

GREGORY P. WILLIAMS,
ONE RODNEY SQUARE
WILIMINGTON, DE 19899

ATTORNEY FOR (Name) **PLAINTIFFS**

Ref No or File No

Insert name of court, judicial district or branch court, if any:

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

PLAINTIFF:

BALLY TOTAL FITNESS HOLDING CORPORATION

DEFENDANT:

LIBERATION INVESTMENTS, L.P., ET AL.

PROOF OF SERVICE

DATE: TIME: DEPT/DIV: CASE NUMBER:

05 841

**UNITED STATES DISTRICT COURT
DECLARATION OF SERVICE**

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY THAT I WAS ON THE DATE HEREIN REFERRED TO OVER THE AGE OF 18 YEARS AND NOT A PARTY TO THE WITHIN ENTITLED ACTION. I SERVED THE:

SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL COVER SHEET; PLAINTIFF BALLY TOTAL FITNESS HOLDING CORPORATION'S DISCLOSURE STATEMENT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 7.1(A); PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER (NOTICE PROVIDED); OPENING BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER; DECLARATION OF PAUL A. TOBACK

ON: EMANUEL R. PEARLMAN

IN THE ABOVE MENTIONED ACTION BY DELIVERING TO AND LEAVING WITH THE ABOVE NAMED PERSON A COPY THEREOF, AT:

677 ALMA REAL DR.
PACIFIC PALISADES, CA 90272
(HOME)

ON: December 6, 2005

AT: 03:45 pm

Manner of service in compliance with Federal Code of Civil Procedure

Registered California process server.

County: LOS ANGELES

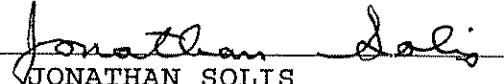
Registration No.: 3477

Expiration:

1511 WEST BEVERLY BOULEVARD
LOS ANGELES, CA 90026
2132501111

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on December 8, 2005 at LOS ANGELES, California.

Signature:


JONATHAN SOLIS

(2) AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE <u>12/06/05 @ 3:45 pm</u>	
NAME OF SERVER (PRINT) <u>Jonathan Solis</u>	TITLE <u>Process Server</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant Place where	<u>677 Alma Real Drive, Pacific Palisades, CA 90272</u>	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.	Name of person with whom the summons and complaint were _____	
<input type="checkbox"/> Returned _____	_____	
<input type="checkbox"/> Other (specify): _____	_____	
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct		
Executed on <u>12/08/05</u> Date	<u>Jonathan Solis</u> <small>Signature of Server</small> <u>1511 W. Beverly Blvd.</u> <u>Los Angeles, CA 90026</u> <small>Address of Server</small> <u>(213) 250-1111</u>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

UNITED STATES DISTRICT COURT

District of Delaware

BALLY TOTAL FITNESS HOLDING CORPORATION,
Plaintiff,

SUMMONS IN A CIVIL CASE

v.

LIBERATION INVESTMENTS, L.P., LIBERATION
INVESTMENTS, LTD., LIBERATION INVESTMENT
GROUP LLC, and EMANUEL R. PEARLMAN,
Defendants.

CASE NUMBER:

0 5 8 4 1

TO: (Name and address of Defendant)
EMANUEL R. PEARLMAN
677 Alma Real Drive
Pacific Palisades, CA 90272

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Gregory P. Williams
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
10th & King Streets
Wilmington , Delaware 19899

an answer to the complaint which is served on you with this summons, within 20 days after service
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for
the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this
Court within a reasonable period of time after service.

PETER T. DALLEO

12/5/05

CLERK

DATE

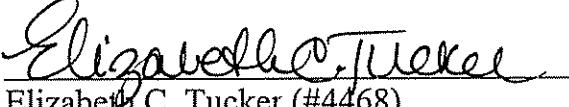
(By) DEPUTY CLERK

Monica Mosley

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2005 a copy of the foregoing was served by CM/ECF upon the following attorney of record:

Stephen E. Jenkins, Esquire
Ashby & Geddes
222 Delaware Avenue
P.O. Box 1150
Wilmington, Delaware 19899


Elizabeth C. Tucker (#4468)
tucker@rlf.com